

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JILL BABCOCK, *et al.*,

Plaintiffs,

Civil Action No. 22-cv-12951

v.

HON. MARK A. GOLDSMITH

MICHIGAN, STATE OF, *et al.*,

Defendants.

**PLAINTIFFS' MOTION TO EXTEND TIME UNDER LR 7.1 (e)
TO FILE RESPONSES TO ALL DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs, Jill Babcock, Marguerite Maddox, and Ashley Jacobson, by their attorney Michael W. Bartnik, respectfully moves to extend the time for filing responses and briefs to the Defendants' motions to dismiss for the following reasons:

1. Consistent with the Local Rule 7.1 (a), undersigned counsel certifies that he and co-counsel for Plaintiffs both communicated with defendants' attorneys in writing, explaining the nature of the relief to be sought by this motion, explaining precisely the basis for this motion and seeking concurrence in the relief; opposing counsel thereafter did not provide concurrence except that the City of Detroit did consent to the proposed

extension until July 28, 2023, and the other defendants only consented to extension until July 7, 2023.

2. On June 2, 2023 and for some defendants on June 6 and 7, 2023, (ECF Dkt. 60, 64, 70, 71,72) each defendant filed its separate Motion under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) to Dismiss the Amended Complaint. Defendant State requested (ECF Dkt.73) leave to file excess pages.
3. The typical briefing schedule would require Plaintiffs to file responses and briefs to the above Motions by June 23, 2023 or June 28, 2023.
4. It is unreasonably burdensome for Plaintiffs' attorneys to respond to these five substantive motions, including for the following reasons:
 - (a) Both attorneys for the Plaintiffs are solo practitioners.

Undersigned counsel has no staff, and Plaintiffs' counsel Elizabeth K. Abdnour only has limited part-time staff.
 - (b) Elizabeth K. Abdnour has been in the process of physically relocating her offices this week.
 - (c) Elizabeth K. Abdnour has several other substantive matters with the following deadlines in June and July:

- (i) June 15, 2023: Response to a motion to dismiss due in *C.C. obo Jane Doe v. Marcellus Community Schools*, WDMI Case No. 1:23-cv-255.
- (ii) June 17, 2023: deadline to file appeal in *T.M. v. MDE*, appeal of special education due process hearing.
- (iii) July 17, 2023: responses to Motions for Summary Judgement due in *Owens et al. v. LSU*, MDLA Case No. 3:21-cv-242 (defendants have advised her that they plan to file 10 separate MSJs, one per plaintiff).

5. Under these circumstances, Plaintiffs request this Court extend until Friday July 28, 2023 the time for filing their responses to these motions.

Wherefore, Plaintiffs request this Court extend the time for Plaintiffs to file Responses and Briefs to these Motions until Friday July 28, 2023.

Dated: June 8, 2023

/s/ Michael W. Bartnik
By: Michael W. Bartnik (P32534)
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CERTIFICATE OF SERVICE

I, Michael W. Bartnik, certify that on June 8, 2023, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

Dated: June 8, 2023

/s/ Michael W. Bartnik

By: Michael W. Bartnik (P32534)

LOCAL RULE CERTIFICATION

I, Michael W. Bartnik, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

Dated: June 8, 2023

/s/ Michael W. Bartnik

By: Michael W. Bartnik (P32534)